



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 1. OFFICE OF ADMINISTRATIVE HEARINGS

#### NOTICE OF PROPOSED RULEMAKING

The Office of Administrative Hearings (OAH) proposes to adopt the regulation described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

OAH proposes to amend 1 CCR 1038, regarding Ordering the Record (Transcripts) and correct the division and chapter title.

#### PUBLIC HEARING

At this time, OAH has not scheduled a public hearing. Any interested person or his or her duly authorized representative may request a hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OAH. All written comments must be received no later than **May 12, 2003**.

Requests for a public hearing or written comments for OAH's consideration should be directed to the contact person indicated below.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for a copy of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, the final statement of reasons, when prepared, or other information upon which the rulemaking is based should be directed to:

Heather Cline Hoganson  
Office of Administrative Hearings  
560 J Street, Suite 300  
Sacramento, CA 95814  
(916) 322-2536  
(backup: Margaret Farrow)  
(916) 445-4926

The text of the proposed regulation and the initial statement of reasons will be available at OAH's web site, at <http://www.oah.dgs.ca.gov>.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The contact person will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address during regular business hours. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the initial statement of reasons, and any data considered. A copy may be obtained by contacting Ms. Hoganson at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT AND FINAL STATEMENT OF REASONS

Following the comment period, OAH may adopt the proposed regulation substantially as described in this notice. If modifications are made which substantially change the originally proposed text, the modified text with changes clearly indicated will be made available to the public for at least 15 days prior to the date on which OAH adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Ms. Hoganson at the address indicated above. OAH will accept written comments on the modified regulation for 15 days after the date on which it is made available.

If the proposed regulation is not significantly modified, OAH may adopt the proposed amendments to the regulation substantially as described below.

A final statement of reasons will be prepared before the proposed regulation is sent to the Office of Administrative Law. Requests for copies of the final statement of reasons should be sent to the attention of Ms. Hoganson at the address indicated above.

#### INFORMATIVE DIGEST/OVERVIEW

The Administrative Procedure Act (Government Code 11340–11520) governs agencies with regard to rulemaking and adjudication. Formal Hearings are governed by Chapter 5, Government Code 11500–11529. The Office of Administrative Hearings (OAH) provides administrative adjudications for state agencies, and has developed rules of procedure for those hearings held under the Administrative Procedure Act. One of those rules regards the ordering of the administrative record, including the transcript, of an administrative adjudication. This regulation has been rewritten for clarity and to detail a change in procedure.

**AUTHORITY AND REFERENCE**

The authority for the proposed regulations is found in the Administrative Procedure Act, Government Code 11370.5(b). This statute authorizes OAH to adopt rules and regulations to carry out the functions and duties of OAH under the Administrative Procedures Act. References to Section 1094.5, Code of Civil Procedure, Section 11512 and 11523, Government Code, and Section 985, California Rules of Court, relate to the recording of a hearing and the procurement of the record/transcript.

**DETERMINATIONS**

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS:** None

**COST OR SAVINGS TO LOCAL AGENCIES OR SCHOOL DISTRICTS:** None

**EFFECT ON HOUSING COSTS:** None

**COST OR SAVINGS TO STATE AGENCIES:** None

**COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** None

**ASSESSMENT OF ECONOMIC IMPACT ON PRIVATE PERSONS OR BUSINESSES; SMALL BUSINESSES:** Pursuant to Government Code 11346.5(a)(9), The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed action does not generate any new costs on private persons, businesses, or small businesses.

**ASSESSMENT OF ECONOMIC IMPACT ON BUSINESSES AND JOBS:** Pursuant to Government Code 11346.5(a)(7), (8), and 11346.3(a)(2), OAH has made an initial determination that the action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because (a) ordering the record (or transcript) is voluntary and (b) the amount of the record/transcript is not being changed, only who is managing the order. Pursuant to Government Code 11346.3(b)(1), OAH has determined that the proposed regulations will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

**CONSIDERATION OF ALTERNATIVES**

The Office of Administrative Hearings must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected persons than the proposed action.

**TITLE 2. DEPARTMENT  
OF FINANCE**

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the Department of Finance, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Finance proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment includes the addition of two new units (Integrated Continuous Budget System and Technology Oversight and Security Unit) and their respective designated positions and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than May 12, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or person's representative requests a public hearing, he or she must do so no later than April 28, 2003, by contacting the Contact Person set forth below.

The Department of Finance has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Finance has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under



Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Finance must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Dana Bralley  
915 L Street, 6<sup>th</sup> Floor  
(916) 445-3274  
dana.bralley@dof.ca.gov

## **TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

### **CONFLICT OF INTEREST CODES**

#### **AMENDMENT**

##### **STATE AGENCY:**

California Earthquake Authority  
Managed Risk Medical Insurance Board

A written comment period has been established commencing on March 28, 2003, and closing on May 12, 2003. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, PhD, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than May 12, 2003. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

### **COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

### **EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

### **AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

### **REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

### **CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT  
OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation(s) at a public hearing on or after May 1, 2003 at 9:30 a.m. Written comments should be received at the Commission offices no later than noon on April 30, 2003.

BACKGROUND/OVERVIEW

Government Code section 87105, added to the Political Reform Act (the "Act") by Assembly Bill 1797 (Harman), pertains to the requirements for Government Code section 87200 filers ("87200 filers"), other than members of the Legislature, when the official determines that he or she has a conflict of interest or a potential conflict of interest. The new statute provides in pertinent part:

"(a) A public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: "(1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

"(2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

"(3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

"(4) Notwithstanding paragraph (3), a public official described in subdivision (a) may speak on the issue during the time that the general public speaks on the issue."

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18702.5

Proposed regulation 18702.5 provides guidance to 87200 filers when they are disqualified from making, participating in, or influencing a governmental decision due to a conflict of interest. The Commission will consider various issues if it chooses to adopt regulation 18702.5:

- *The timing of the disclosure.* The Commission will consider whether the identifications will be made following the announcement of the item for discussion but before the discussion commences or at some other time.
- *Description of the conflict of interest.* The Commission may consider the content of disclosure such as whether the statute requires disclosure of the economic interest or a more specific description of the type of economic interest. The Commission may consider either of these disclosure requirements, both of these disclosure requirements, or other options.
- *Types of situations.* The Commission will consider the scope of the regulation. This includes limiting this regulation to only meeting settings when the official is acting in his or her capacity as a section 87200 filer, including all meetings, or including all situations where a section 87200 filer has a conflict of interest. Also, the Commission will consider if this regulation applies only when the public official is "making" a governmental decision or in a larger context.
- *Closed session/absent public official.* Generally, agencies have both open and closed meetings. The Commission will consider if the same rules apply in a closed session setting as apply to an open meeting as well as how much identification is required for a conflict of interest regarding a matter in closed session. In addition, the Commission may consider what the obligations of an absent public official might be and whether public officials who miss the entire meeting should be treated differently than public officials who are only absent for the item in which they have a conflict of interest.
- *Oral/written disclosure.* The Commission will consider the method of disclosure such as whether only oral disclosure is required or if written disclosure will suffice.
- *General public discussion.* Under current regulation 18702.4, a public official can speak as a member of the general public under certain circumstances. The new statute also provides an exception for speaking as a member of the public. The Commission will consider whether the public official may remain in the room during the entire public discussion when

the public official has spoken as a member of the general public. The Commission may choose to require the public official to leave the room after he or she speaks or some other option. Also, the Commission will consider if the public official is required to speak to stay for the discussion and if the new regulation will be limited to the personal interest found in regulation 18702.4.

- *Privileges.* The Commission will consider what privileges apply to the identification of a conflict of interest requirements found in the statute. Also, when these privileges will apply will be considered as well as what information will still be required under the statute.
- *Consent Calendar/Uncontested Matters.* The Commission will discuss the extent that a public official can participate in a consent calendar discussion and vote. Also, the Commission will consider if the uncontested matters referred to in the statute can be limited to consent calendars.

#### Amend 2 Cal. Code Regs. § 18702

Current regulation 18702 identifies which regulations should be applied when a public official “makes,” “participates in making” or attempts to “influence” a governmental decision. After the enactment of Government Code section 87105, different rules apply for positions designated in Government Code section 87200. As indicated above, the Commission will also consider a proposed new regulation interpreting this section, regulation 18702.5. Consequently, amendment of regulation 18702 is necessary to cross-reference to the requirements of the proposed new regulation. The proposed amendment of regulation 18702 is a conforming change to make it consistent with new Government Code section 87105.

#### Amend 2 Cal. Code Regs. § 18702.1

Current regulation 18702.1 defines when a public official “makes a governmental decision” and includes what disclosure is required when a public official determines not to act. Subdivision (a)(5) allows for the public official’s determination not to act to be accompanied by an oral or written disclosure of the financial interest but does not mandate it. After the enactment of Government Code section 87105, different rules apply for persons holding positions designated in Government Code section 87200. As indicated above, the Commission will also consider a proposed new regulation interpreting this section, regulation 18702.5. Consequently, amendment of regulation 18702.1 is necessary to make it consistent with proposed regulation 18702.5.

The current proposal is for regulation 18702.1 to contain a cross-reference to the new regulation. This

cross-reference would lead section 87200 filers to new regulation 18702.5 when appropriate.

Additionally, the Commission could chose alternative methods to incorporate the regulatory rules stemming from new Government Code section 87105. The Commission could alter the regulations in other ways to incorporate new Government Code section 87105’s requirements.

The Commission may consider other related issues as well as those discussed above.

#### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

#### AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

#### REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code sections 81002, 81003, 87100, 87101, 87105 and 87200.

#### CONTACT

Any inquiries should be made to Galena West, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

#### ADDITIONAL COMMENTS

After the hearing, the Commission may adopt the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption, amendment or repeal.

### TITLE 10. DEPARTMENT OF CORPORATIONS

#### NOTICE IS HEREBY GIVEN

The California Corporations Commissioner (“Commissioner”) proposes to amend Title 10, Chapter 3 of the California Code of Regulations under the CALIFORNIA DEFERRED DEPOSIT TRANSACTION



LAW by amending section 250.51 and adopting sections 2020 and 2021 relating to the long and short form applications for licensure under this law.

#### **PUBLIC HEARING**

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department of Corporations' contact person designated below no later than 15 days prior to the close of the written comment period.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Corporations, addressed to Kathy Womack, Office of Law and Legislation, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m. on May 12, 2003. Written comments may also be sent to Kathy Womack (1) via electronic mail at [regulations@corp.ca.gov](mailto:regulations@corp.ca.gov) or (2) via fax (916) 322-3205. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The California Legislature enacted Senate Bill 898 (Chapter 777, Statutes 2002) to provide for regulation of persons engaged in the business of deferred deposit transactions and to transfer the corresponding responsibilities from the Department of Justice to the Department of Corporations ("Department"). SB 898, known as the California Deferred Deposit Transaction Law ("CDDTL"), became effective on January 1, 2003 and will become operative on March 1, 2004. The California Corporations Commissioner ("Commissioner") has the power and authority to implement provisions of the CDDTL prior to March 1, 2004. (Financial Code Section 23104.)

Section 250.51: California Code of Regulations Section 250.51 contains a chart of permit processing times of the programs regulated by the Department. The proposed amendment would add the permit processing time for the long and short form applications under the CDDTL to the existing chart. (Financial Code Section 23011(c).)

Section 2020: Proposed Section 2020 sets forth the long form application for a license as provided for by the CDDTL. Under the CDDTL, the Department licenses and regulates persons engaged in the business of deferred deposit transactions conducted within this state. The CDDTL provides that no person shall engage in the business of deferred deposit transactions

without obtaining a license from the Commissioner. (Financial Code Section 23005, subdivision (a).) The CDDTL further provides that the application for a deferred deposit transaction license shall be in the form and contain the information that the Commissioner may by rule require. (Financial Code Section 23005, subdivision (b).)

Section 2021: The short form application for an additional license under the CDDTL is proposed to be added as Section 2021. The Commissioner may also establish a short form application and procedure for use by a licensee with one or more licensed locations who is seeking an additional location license. (Financial Code Section 23005, subdivision (c).)

The Department's application forms will be used by applicants seeking to become licensed to engage in the business of deferred deposit transactions. The form will be available to the public either at the Department's offices or on its web site at [www.corp.ca.gov](http://www.corp.ca.gov). However, this form has not been formally adopted as a regulation pursuant to the Administrative Procedure Act ("APA"). (Government Code Section 11370, et seq.) Nor has a short form application been adopted as a regulation.

Accordingly, in order to comply with the APA, the Department proposes to amend Section 250.51 to Title 10, Chapter 3 of the California Code of Regulations to add the permit processing times for the long and short form applications. Additionally, the Department proposes to add Section 2020 to Title 10, Chapter 3, Subchapter 13, Article 2 of the California Code of Regulations, the text of which will be the "Application For a License Under the California Deferred Deposit Transaction Law." Finally, the Department proposes to add Section 2021 to Title 10, Chapter 3, Subchapter 13, Article 2 of the California Code of Regulations, to enable applicants who qualify to file a short form application for licensure with the Department.

#### **AUTHORITY**

Sections 23005, 23015, 23101 and 23104, Financial Code.

#### **REFERENCE**

Section 23005, subdivisions (b) and (c), Financial Code.

#### **AVAILABILITY OF MODIFIED TEXT**

The text of any modified regulation, unless the modification is only nonsubstantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation. A request for a copy of any modified regulation should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation for



15 days after the date on which it is made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

**AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS**

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 29/02-B. An initial statement of reasons for the proposed action, containing all the information upon which the proposal is based, is available from the contact person designated below. Request Document PRO 29/02-C. These documents are also available at the Department's website [www.corp.ca.gov](http://www.corp.ca.gov). As required by the APA, the Office of Law and Legislation maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Law and Legislation, 1515 K Street, Suite 200, Sacramento, California 95814-4052.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**FISCAL IMPACT**

- Cost or savings to any state agency: None.
- Direct or indirect costs or savings in federal funding to the state: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.

**DETERMINATIONS**

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect: (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; (3) the expansion of businesses currently doing business within the State of California.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The Department of Corporations is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action. The proposed rules merely implement the provisions set forth by Financial Code Section 23005 with an application for persons seeking a license to engage in the business of deferred deposit transactions under the CDDTL.

**EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations will not affect small businesses. Deferred deposit transactions are excluded from the definition of small business in Government Code Section 11342.610, subdivision (b)(1). In addition, the proposed rules merely set forth application forms requesting information dictated by existing statutes.

**CONTACT PERSON**

Inquiries concerning this action, such as requests for copies of the text of the proposed regulations, may be directed to Kathy Womack at (916) 322-3553. The backup contact person is Karen Fong at (916) 322-3553, Department of Corporations, 1515 K Street, Suite 200, Sacramento, California, 95814.

**TITLE 10. DEPARTMENT OF INSURANCE**

**300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, California 95814**

**File No. RH 03 02 8229**

**NOTICE OF PROPOSED REGULATORY ACTION**

**PRELICENSING AND CONTINUING EDUCATION**

**SUBJECT OF HEARING**

Insurance Commissioner John Garamendi, (Commissioner) proposes to adopt section 2187.4 of Article 6.5 of Subchapter 1 of Chapter 5 of Title 10 of the

California Code of Regulations (CCR) to the Office of Administrative Law (OAL). The Commissioner will conduct a rulemaking hearing to gather and make available to the public, information and public comment concerning preclicensing and continuing education.

#### AUTHORITY AND REFERENCE

The Insurance Commissioner proposes to adopt these regulations pursuant to the authority of California Insurance Code (CIC) sections 1749 and 12926 and under the authority of the Insurance Commissioner to regulate the insurance market in California in an orderly manner as set forth in *Calfarm Insurance Company v. Deukmejian*, 48 Cal.3d 805.

The purpose of the regulations is to implement, interpret, and make specific provisions of CIC section 1749.

#### SUBMISSION OF PUBLIC COMMENTS

No comments were received during the public comment period prior to the emergency adoption of this regulation. Any interested person may submit written comments about the proposed permanent adoption of this regulation to the agency contact person named below. **Written comments must be received no later than 4:30 p.m. on May 19, 2003.** Comments may be sent via electronic mail to Natasha R. Ray, Senior Staff Counsel at [rayn@insurance.ca.gov](mailto:rayn@insurance.ca.gov).

**A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to the California Department of Insurance contact person, listed below, no later than 15 days prior to May, 19, 2003, the close of the written comment period.**

Persons with sight, hearing or mobility impairments are requested to notify the contact person in order to allow sufficient time to make necessary arrangements for facilities with adequate access.

#### DEPARTMENT OF INSURANCE CONTACT PERSON

Written comments and general or substantive inquiries may be addressed to:

Natasha R. Ray, Senior Staff Counsel  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
(916) 492-3559

or

Charlene Ferguson  
Licensing Bureau  
320 Capitol Mall  
Sacramento, CA 95814  
(916) 492-3042

**All written materials, must be received by the Insurance Commissioner, at either address listed above, no later than 4:30pm on Monday May 19, 2003. Any written materials received after that time will not be considered.**

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CIC section 1749 became effective on January 1, 2002, establishing provisions regarding preclicensing and continuing education qualifications for fire and casualty broker-agents. However, this legislation did not specify the requirements that a personal lines licensee must complete in order to upgrade the personal lines license to a full property and casualty license.

CIC sections 1625.5 and 1749(f) (Senate Bill 63, Chapter 174, Statutes of 2001), were enacted as "clean-up" legislation for AB393. CIC 1749(f) established, *inter alia*, the preclicensing education requirement that a personal lines licensee must satisfy in order to qualify for a fire and casualty broker-agent license. This subsection also specifies that the curriculum for satisfying this requirement shall be approved by the curriculum board.

The Commissioner adopted preclicensing and continuing education regulations on an emergency basis on November 18, 2002.

#### SUMMARY OF EXISTING LAW

Existing CIC section 1749, sets for the requirements for preclicensing and continuing education qualifications for fire and casualty broker-agents, but does not set forth any requirements for upgrading a personal lines license to a full property and casualty license.

#### STATEMENT OF SPECIFIC PURPOSE

The specific purpose of each adoption, and the rationale for the determination that each adoption is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption is intended to address, is as follows:

##### Section 2187.4(a)

The purpose of this subsection is to set forth the requirement that any course taken to satisfy the preclicensing education requirement of Section 1749(f), shall be in a classroom and that the curriculum shall follow the general subject matter set forth in the regulation.

The outline of the required curriculum sets forth the general subject matter areas to be covered in the coursework, organized by line of insurance as follows: Commercial Coverages (I) and Health and Disability Income Insurance (II). Within the commercial and

Health and Disability Coverages are subsections covering issues particular to that coverage, e.g., within commercial are subsections covering the Insurance Services Office (ISO) Modularized Commercial Lines Program (A); Commercial Property (B); Commercial General Liability (C), etc.

#### Section 2187.4(b)

The purpose of this subsection is to set forth the requirement that the examination required for licensure for a personal lines broker-agent who applies to become a fire and casualty broker-agent, shall be based on the subject matter contained in the regulation.

#### **MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

#### **COST OR SAVINGS TO STATE AND LOCAL GOVERNMENT/FEDERAL FUNDING**

The Commissioner has determined that there will be no direct cost or savings to, nor will there be any new program mandates on, any local agency, state agency or school district from the proposal, and that the proposal will not affect federal funding to the State. The proposed regulations will not affect small businesses because insurance companies are by definition not small businesses.

#### **ALTERNATIVES**

The Commissioner must determine that no reasonable alternative considered by him, or that has otherwise been identified and brought to his attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The Commissioner invites public comment on alternatives to the regulations.

#### **IMPACT ON HOUSING COSTS**

The matters proposed herein will not effect housing costs.

#### **ECONOMIC IMPACT ON BUSINESS AND INDIVIDUALS AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE**

The Commissioner has made an initial determination that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California busi-

nesses to compete with businesses in other states. To the extent the proposed regulations will have an impact on the cost of private persons or businesses directly effected, the cost impact is as a result of the Insurance Code sections being implemented, interpreted or made specific by the proposed regulations. The Commissioner invites interested parties to comment on this issue.

#### **EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA**

The Commissioner believes that the proposed regulations will have no impact on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and/or the expansion of businesses currently operating in California. To the extent the proposed regulations will have an effect on the creation, elimination, and expansion of businesses and jobs, the impact is as a result of the Insurance Code sections being implemented, interpreted or made specific by the proposed regulations. The Commissioner invites interested parties to comment on this issue.

#### **POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES**

The Commissioner believes that the proposed regulations will not have a significant cost impact on private persons or businesses directly affected by them. To the extent that the proposed regulations do have an impact on the cost of private persons or businesses directly affected, the cost impact is a result of the Insurance Code sections being implemented, interpreted or made specific by the proposed regulations. The Commissioner invites all interested parties to comment on this issue.

#### **IMPACT ON SMALL BUSINESSES**

There is no adverse impact on small businesses. This regulation impacts insurance companies, which are not small businesses.

#### **NON-DISCRETIONARY COSTS OR SAVINGS**

The proposal will not impose any non-discretionary cost or savings on local agencies.

#### **COSTS OR SAVINGS TO STATE AGENCIES**

The proposal will not result in any cost or significant savings to state agencies.

#### **REIMBURSABLE COSTS**

There are no costs to local agencies or school districts for which Part 7 (commenting with Section 17500) of Division 4 of the Government Code would require reimbursement.

**IMPACT ON COMPETITIVENESS**

The proposal will not have an adverse impact on competition or competitiveness.

**PLAIN ENGLISH**

The proposal is in plain English except to the extent that technical terms could not be avoided. Those technical terms are defined in plain English.

**COMPARABLE FEDERAL LAW**

There are no existing federal regulations or statutes comparable to the proposed regulations.

**TEXT OF REGULATIONS AND INITIAL  
STATEMENT OF REASONS**

The Department has prepared an "Initial Statement of Reasons" which sets forth the reasons for these regulations. The Initial Statement of Reasons, together with the text of the proposed regulations, and this Notice of Proposed Action are available for inspection or will be provided at no charge upon request to the contact person listed above.

**ACCESS TO COPIES OF PROPOSED  
REGULATIONS AND STATEMENTS  
OF REASONS**

Any interested person may inspect a copy or direct questions about the proposed regulations, the statement of reasons therefor, the information upon which the proposal is based, and any supplemental information, contained in the rulemaking file, from the contact person listed above. Upon prior request, the rulemaking file is available for inspection at 300 Capitol Mall, 17<sup>th</sup> floor, Sacramento, CA 95814 between the hours of 9:00 am and 4:30 pm, Monday through Friday. This notice, the proposed regulations and statement of reasons is available on the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov). The Final Statement of Reasons, once it has been prepared, may be obtained from Natasha R. Ray, Senior Staff Counsel. Ms. Ray's contact information is listed above.

**AUTOMATIC MAILING**

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, automatically will be sent to all persons on the Insurance Commissioner's mailing list.

**MODIFIED LANGUAGE**

If the regulation adopted by the Department differs from, but is sufficiently related to, the action proposed, it will be available to the public for at least 15 days prior to the date of adoption.

**TITLE 10. DEPARTMENT OF  
REAL ESTATE**

**NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS OF THE  
REAL ESTATE COMMISSIONER**

Paula Reddish Zinnemann, Real Estate Commissioner, proposes to adopt, amend and/or repeal the proposed regulations described below in Title 10, California Code of Regulations, after considering all comments, objections and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Commissioner proposes to adopt sections 2716.1, 2790.15, and 2805.15 in Title 10 of the California Code of Regulations (CCR).

**PUBLIC HEARING**

The Commissioner or her representative will hold a public hearing starting at 10:00 a.m., on May 15, 2003, at the Department of Real Estate Examination Room, located at 2200 X Street, Suite 120B, Sacramento, California. The Examination Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony to the Commissioner.

This hearing will be a hearing under Sections 10226 and 11011 of the Business and Professions Code to determine whether license and subdivision fees lower than the statutory maximum should be prescribed.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commissioner. The written comment period closes on May 15, 2003. All written comments must be received by 5:00 PM on that date at the Department's Sacramento Office as follows:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
Sacramento, CA 95818  
Telephone: (916) 227-0789

Comments may be sent via email to [regulations@dre.ca.gov](mailto:regulations@dre.ca.gov) or via fax to David B. Seals at (916) 227-9458.

**AUTHORITY AND REFERENCE**

The changes to the regulations are authorized by Business and Professions Code sections 10080, 10250.3 and 11001, to implement, interpret or make specific Business and Professions Code sections



10153.4, 10201, 10209.5, 10214.5, 10215, 10250.3, 11004.5, 11010, 11010.2 11010.05, 11018.5 and 11018.5.

### INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

#### ADOPTION OF SECTION 2716.1

The current regulation sets forth fees for real estate broker and real estate salesperson licenses, including the late renewal of those licenses and for obtaining restricted licenses. This proposed change would reduce those fees to meet the requirements of law while maintaining sufficient operating reserves for the Department.

#### ADOPTION OF SECTION 2790.15

The current regulation sets the amount of subdivision filing fees. This proposed change would reduce those fees to meet the requirements of law while maintaining sufficient operating reserves for the Department.

#### ADOPTION OF SECTION 2805.15

The current regulation sets the amount of filing fees for out of state time-share projects. This proposed change would reduce those fees to meet the requirements of law while maintaining sufficient operating reserves for the Department.

### EFFECT ON SMALL BUSINESS

All of the proposed regulatory changes may affect small business.

### DISCLOSURES REGARDING THE PROPOSED ACTION

1. Plain English drafting: The Commissioner has confirmed that these regulations have been drafted in plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).
2. Mandate on local agencies and school districts: None.
3. Cost or savings to any state agency: None.
4. Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None.
5. Other non-discretionary cost or savings imposed upon local agencies: None.
6. Cost or savings in federal funding to the state: None.
7. The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
8. The Commissioner has made an initial determination that the adoption, amendment or repeal of

these regulations will not have a significant state-wide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

9. Impact on jobs and business expansion, elimination or creation: The Commissioner has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs within the State of California nor will it significantly affect the creation of new businesses, the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

10. Significant effect on housing costs: None.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commissioner must determine that no alternative she considered or that has otherwise been identified and brought to her attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commissioner invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

The backup contact person is:

Larry A. Alamao, Assistant Chief Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

The name of the person who can respond to questions concerning the substance of the proposed regulations is:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

**AVAILABILITY OF STATEMENT OF REASONS,  
TEXT OF PROPOSED REGULATIONS AND  
INTERNET SITE**

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office, at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. The final statement of reasons once it is prepared pursuant to Section 11346.9 of the Government Code will also be a part of the rulemaking file and available for inspection and copying as indicated above. Portions of the rulemaking file and information regarding the Department are available through our website ([www.dre.ca.gov](http://www.dre.ca.gov)). The express terms of the proposed action written in plain English are available from the agency contact person named in this notice. Copies may be obtained by contacting David B. Seals at the address and phone number listed above.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

The Real Estate Commissioner may, on her own motion or at the recommendation of any interested person made by written or oral comment, modify the Proposed Regulations and adopt the Regulation Changes as modified if the modification is determined to be one that the public could have reasonably anticipated from this Notice, the Informative Digest, and the Initial Statement of Reasons.

If the Commissioner decides to modify a Proposed Regulation, the Department will make copies of the full text of the regulations, as originally proposed with the proposed modifications clearly indicated, available for not less than 15 days prior to adopting the modified regulation. Copies of the modified regulations will be mailed to all persons who have made written or oral comments concerning the Proposed Regulations and all persons who have requested notification of availability of the modifications.

Requests for modified regulations or other communications concerning the Proposed Regulations should

be addressed to the Department's contact person, David B. Seals, at the address and/or telephone number above.

**COMPLIANCE WITH GOVERNMENT  
CODE § 11346.4(A)(1) THROUGH (4)**

The Department of Real Estate (the Department) has complied with Government Code § 11346.4(a)(1) through (4) and Section 86, Title 10 of the California Code of Regulations, by mailing or delivering a copy of this Notice of Proposed Changes in the Regulations of the Real Estate Commissioner and of the Proposed Regulations with changes indicated in ~~strikeout~~ and underline to the Department's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with the Department.
2. The Director of the Department. (The Real Estate Commissioner and the Secretary of the Business, Transportation and Housing Agency).
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by the Proposed Regulations. The Department has no way of knowing which are small businesses.
4. The California Association of Realtors, a real estate licensee trade organization and the California Building Industry Association, a home builders trade organization.
5. A substantial number of land developers. Not small businesses by definition, but some of which may be, or have been in the past, affected by the proposed regulations.
6. The members of the Real Estate Advisory Commission as required by the Business and Professions Code Section 10080.

**TITLE 16. BOARD OF  
PODIATRIC MEDICINE**

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the San Francisco Health Commission, 101 Grove Street, Room 300, San Francisco, California, at 9:00 AM, on May 16, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Mischa Matsunami in this Notice, must be received by the board at its office not later than 5:00 p.m. on May 14, 2002 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt

the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2015, 2018 and 2470 of the Business and Professions Code, and to implement, interpret or make specific Sections 2006, 2475, 2475.3, 2483, and 2484 of said Code, the board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 2470 authorizes the board to adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, regulations which are necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine.

##### 1. Amend section 1399.662.

Existing regulation defines the criteria observed by the board in the approval of colleges of podiatric medicine to provide professional instruction to candidates for licensure.

This proposal would remove language suggesting that the Council on Podiatric Medical Education (CPME) is a component of the American Podiatric Medical Association (APMA), as the CPME has been an independent accrediting body since the U.S. Department of Education ruling that accrediting bodies must be independent of professional associations.

This proposal would also make a technical change, which would allow subsection (a) to be consistent with the existing language of subsection (b).

##### 2. Amend section 1399.666.

Existing regulation defines, by reference to Business and Professions Code Section 2483, training recognized by the board as equivalent to that offered by educational programs meeting the criteria set forth by the CPME.

This proposal would remove language suggesting that the Council on Podiatric Medical Education (CPME) is a component of the American Podiatric Medical Association (APMA), as the CPME has been an independent accrediting body since the U.S.

Department of Education ruling that accrediting bodies must be independent of professional associations.

##### 3. Amend section 1399.667.

Existing regulation identifies the requirements that must be met by podiatric medical residencies prior to obtaining the board's approval to provide postgraduate medical education.

This proposal would:

- 1) Amend current language in order to remove the current requirement that podiatric medical residencies must take place in a hospital setting. This current language is potentially overly restricting in that all residencies must be approved by the CPME, and meet the institutional requirements set forth by the Accreditation Council for Graduate Medical Education (ACGME) prior to obtaining board approval. Therefore, quality programs that meet these standards, and would thus be accepted by any state podiatric medical board for podiatric medical residents, may be restricted from offering positive training opportunities to podiatric residents due to this current limitation.
- 2) Make technical changes in order to establish consistency with current statute and related regulations pertaining to the Part III exam of the National Board of Podiatric Medical Examiners (NBPME), which is required by the board for licensure as a doctor of podiatric medicine.
- 3) Amend the board's criteria for residency program approval in order to maintain a consistent measure of program effectiveness by increasing the required pass rate for residents taking the licensing examination. The NBPME Part III, which has recently replaced the board's previous oral clinical licensing examination, has a nationwide pass rate of approximately 85%, while the oral exam demonstrated an approximate pass rate of 71%.

##### 4. Amend section 1399.668.

Existing regulation identifies the application procedures for obtaining a resident's license.

This proposal would rename the section title to more accurately reflect the subject matter presented.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: none

Nondiscretionary Costs/Savings to Local Agencies: none

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: none

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

The following studies/relevant data were relied upon in making the above determination:

Aside from technical changes, this proposal contains amendments pertaining to the setting in which a residency program may take place, and the approval of residency programs based on resident pass rates for the required licensing examination.

Removing the restriction that podiatric medical residencies must take place in a hospital setting will allow a greater number of positive training opportunities to be accessible to podiatric residents, and will not have any adverse economic impact on business.

Amending the residency program approval criteria observed by the board to reflect a more accurate measure of program effectiveness will ensure that residents are obtaining an acceptable level of training, and will not have any adverse impact on business.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The board has determined that the proposed regulations would not affect small businesses. Substantive changes pertain only to residency program requirements and approval criteria.

**CONSIDERATION OF ALTERNATIVES**

The board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Podiatric Medicine at 1420 Howe Avenue #8, Sacramento, California 95825-3291.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the website listed below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Mischa Matsunami  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-0315  
Fax No.: (916) 263-2651  
E-Mail Address: Mischa\_Matsunami@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-2647  
Fax No.: (916) 263-2651

Inquiries concerning the substance of the proposed regulations may be directed to Mischa Matsunami, (916) 263-0315.

Materials regarding this proposal can be found at:  
<http://www.dca.ca.gov/bpm/about/pendregs.htm>.

**TITLE 16. BOARD OF  
PODIATRIC MEDICINE**

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter "board") is proposing



to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the San Francisco Health Commission, 101 Grove Street, Room 300, San Francisco, California, at 9:00 AM, on May 16, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Mischa Matsunami in this Notice, must be received by the board at its office not later than 5:00 p.m. on May 14, 2002 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 803, 803.1 and 2470 of the Business and Professions Code and Section 6253 of the Government Code, and to implement, interpret or make specific Sections 803, 803.1, 2027, 2236.1, and 2470 of the Business and Professions Code, Sections 6250, 6253 and 11504 of the Government Code and Section 1798.24 of the Civil Code, the board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 2470 authorizes the board to adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, regulations which are necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine.

##### 1. Amend Section 1399.650. Citation:

Existing regulation refers to the body of Division 13.9 of Title 16 of the California Code of Regulations as "This chapter."

This proposal would change this reference to "This division" to be consistent with the organization of these regulations.

##### 2. Add Section 1399.700

This proposal would add to the Board's regulations, a section which expresses the overall goal of the Board

to permit maximum information access to consumers and members of the public consistent with statutory and constitutional law.

##### 3. Add Section 1399.701

The addition of this section to the Board's regulations was mandated by SB 1950 in 2002, and requires the Board to adopt regulations defining the status of a licensee by January 1, 2004. This designated status will be used either in response to public inquiries, or, in posting information on its website regarding doctors of podiatric medicine.

##### 4. Add Section 1399.702:

The addition of this section to the Board's regulations was mandated by SB 1950 in 2002, and requires the Board to "develop standard terminology that accurately describes [certain] types of disciplinary filings and actions."

##### 5. Amend Section 1399.700:

Existing regulation defines the types of information that the Board will disclose (if known) regarding any doctor of podiatric medicine licensed in California.

This proposal would renumber this section to be consistent with Article 9 regulations in accordance with the proposed additions contained in this notice.

This proposal would also make changes to the following subdivisions:

Subdivision (b)—Proposed changes are primarily for the purposes of clarification to fill in gaps in the types of disciplinary actions taken against a doctor of podiatric medicine that will be disclosed.

Subdivision (c)—Existing subdivision (c) requiring the disclosure of medical malpractice judgments in excess of \$30,000 was deleted because it has been replaced and expanded by new subdivision (d). Medical malpractice judgments in any amount will now be reported regardless of whether reversed on appeal. This information will be accompanied by a disclaimer which states any judgment is subject to appeal and reversal by a higher court. The Board believes this expanded disclosure requirement is consistent with the policy of providing maximum amount of information permissible for purposes of consumer protection. The latter portion of old subdivision (b) was redesignated as subdivision (c).

Subdivision (d)—Old subdivision (d) was deleted because it is redundant with subdivision (b) as modified.

Subdivision (e)—New subdivision (e) regarding disclosure of arbitration awards is consistent with new language added to Section 803.1 by SB 1950.

Subdivision (f)—Old subdivision (e) was redesignated as subdivision (f).

Subdivision (g)—New subdivision (g) regarding disciplinary actions taken at a hospital or other type of health care facility is consistent with language in Business and Professions Code Section 2027. It requires postings on the internet of disciplinary actions taken at hospitals against physicians and surgeons resulting in a loss of staff privileges.

Subdivision (h)—New subdivision (h) adds a requirement regarding disclosure of referrals to the Attorney General for purposes of disciplinary action. It would permit the Board to disclose the referral of a matter to the Attorney General for the filing of a disciplinary action against a doctor of podiatric medicine.

6. Add Section 1399.704:

This section is consistent with the Board's overall policy of maximizing disclosure to the public, and will require the release of information concerning past or pending complaints against a doctor of podiatric medicine. These complaints will only be disclosed if they have resulted in a referral to the Attorney General or a formal legal action. Complaints found to be without merit or that result in no legal action being taken following a referral will be dropped from the Board's disclosure system. A disclaimer will accompany disclosure of complaints that have resulted in a referral. Finally, to protect the privacy rights of the complainant, information that would identify or lead to his or her identification will not be disclosed.

7. Add Section 1399.705:

The addition of this section to the Board's regulations was mandated by SB 1950 in 2002, which, in accordance with Section 803.1 of the Business and Professions Code, places restrictions on the types of information that can be disclosed with respect to settlement of civil cases involving professional malpractice of physicians and surgeons and doctors of podiatric and osteopathic medicine.

8. Add Section 1399.706:

In accordance with Section 2027 of the Business and Professions Code and Section 1399.703 of these regulations, this regulation would describe parameters for the disclosure of information on the Board's website concerning licensed doctors of podiatric medicine.

9. Amend Section 1399.705:

This proposal would renumber this section to be consistent with the proposed changes and additions contained in the proposed language under Article 9.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: none

Nondiscretionary Costs/Savings to Local Agencies: none

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: none

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

Aside from technical changes, this proposal contains amendments pertaining to the extent to which the Board will disclose information about its licensees pursuant to Section 803.1 of the Business and Professions Code as amended by SB 1950 in 2002. It is not anticipated that an expanded information disclosure policy will have any adverse impact on California businesses, as the primary goal of this proposal is consistent with the Board's overall goal to permit maximum information access for consumers and members of the public consistent with statutory and constitutional law. In addition, these amendments will apply to all doctors of podiatric medicine licensed in California, and therefore, will not impose any significant adverse economic impact on individual businesses.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would not affect small businesses. Substantive changes will affect the parameters of the Board's information disclosure policy, which applies to every licensed doctor of podiatric medicine practicing in the state of California.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would

either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Podiatric Medicine at 1420 Howe Avenue #8, Sacramento, California 95825-3291.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Mischa Matsunami  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-0315  
Fax No.: (916) 263-2651  
E-Mail Address: Mischa\_Matsunami@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-2647  
Fax No.: (916) 263-2651

Inquiries concerning the substance of the proposed regulations may be directed to Mischa Matsunami, (916) 263-0315.

Materials regarding this proposal can be found at:  
<http://www.dca.ca.gov/bpm/about/pendregs.htm>.

## TITLE 17. DEPARTMENT OF HEALTH SERVICES

### ACTION

Notice of Emergency Rulemaking Title 17,  
California Code of Regulations

### SUBJECT

Clinical Laboratory Specialist Licensing,  
**R-35-01E**

### PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on May 12, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email ([regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov)) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

### CONTACTS

**In any of the following inquiries, please identify the action by using the Department regulation control number, R-35-01E:**

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov).
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Karen L. Nickel, Ph.D., Chief, Laboratory Field Services at (510) 873-6360.
3. All other inquiries concerning the action described in this notice may be directed to Charles E. Smith of the Office of Regulations at (916) 657-0730, or to the designated backup contact person, Allison Branscombe, Chief, Office of Regulations, at (916) 657-0692.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for

accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law provides for the licensure of persons serving as clinical laboratory testing personnel (Business and Professions Code (BPC) Sections 1261, 1261.5, 1262 and 1264). These licensed persons are limited to activities within their specialty (BPC 1207 and 1210). Current law identifies the specialties of cytogenetics and genetic molecular biology, and provides specific authority to the Department of Health Services to establish by regulation, standards for the testing personnel in these laboratories (BPC Section 1210).

The State Department of Health Services (Department) has adopted new regulations on an emergency basis in order to establish the education, training or experience, and examination requirements that would qualify a person for licensure as a clinical cytogeneticist scientist or a clinical genetic molecular biologist scientist. In the newly adopted regulations, the Department recognizes successful passage of national certification examinations in these specialties following completion of specified education, training and experience requirements, as leading to eligibility for licensure.

The broad objective of the regulations is to respond to a public need to set standards for licensure of specialists in new technologies so that qualified specialists can be employed in California. The specific objective of the regulations is to specify the education, training or experience, and examination requirements leading to licensure of two new categories, clinical cytogeneticist scientists and clinical genetic molecular biologist scientists.

Specifically, the Department has adopted regulations on an emergency basis in Title 17, California Code of Regulations, as follows:

1. New Section 1031.2 has been adopted in order to specify the education, training or experience, and examination requirements leading to licensure as a clinical cytogeneticist scientist; and
2. New Section 1031.3 has been adopted in order to specify the education, training or experience, and examination requirements leading to licensure as a clinical genetic molecular biologist scientist.

### AUTHORITY

Section 1224, Business and Professions Code; and Section 100275, Health and Safety Code.

### REFERENCE

Sections 1203, 1205, 1206, 1206.5, 1210, 1222.5, 1261, 1261.5, 1262, 1264, 1282, and 1286, Business and Professions Code.

### FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: No fiscal impact exists.
- B. Fiscal Effect on State Government: Additional expenditures of approximately \$32,000 in the current State Fiscal year.
- C. Fiscal Effect on Federal Funding of State Programs: No fiscal impact exists.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: Persons paying for licenses will pay the current annual license fee of \$64 for baccalaureate-level scientists.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

### DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not affect small business because they are not required to comply with, or enforce the regulation and would not incur a benefit or detriment from enforcement of the regulation.

The Department has determined that the regulations will have no impact on housing costs.



**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF REGULATIONS**

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

**ADDITIONAL STATEMENTS AND COMMENTS**

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email ([civilrights-ra@dhs.ca.gov](mailto:civilrights-ra@dhs.ca.gov)).

**TITLE 25. DEPARTMENT  
OF HOUSING AND  
COMMUNITY DEVELOPMENT****NOTICE OF PROPOSED RULEMAKING FOR  
THE CALIFORNIA SELF-HELP  
HOUSING PROGRAM**

Notice is hereby given that the Department of Housing and Community Development (Department) proposes to adopt regulations for the California Self-Help Housing Program (the "CSHH Program" or the "Program"). The purpose of the Program is to provide grants to eligible sponsors that are engaged in developing, conducting, administering or coordinating programs of assistance that aid eligible households to construct residential units for their own use.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by the Department. The written comment period begins March 28, 2003 and closes at 5:00 p.m. on May 12, 2003. The Department will consider comments received during this timeframe. Please address your comments to Dee Franklin, Community Affairs Division, California Self Help Housing Program, P.O. Box 952054, Sacramento, California 94252-2054. Comments can be sent via fax transmittal to (916) 323-6016, attention: Dee Franklin, California Self Help Housing Program. No public hearing on this matter will be held unless any interested person or his or her representative requests no later than 15 days prior to the closed of the written comment period.

**AUTHORITY AND REFERENCE**

The Department is conducting this rulemaking activity under the authority provided by Health and Safety Code (H&S) Section 50697(d) and reference is in H&S Section 50696, and the California Code of Regulations, Title 25, Division 1, Chapter 7, Subchapter 6.5, Section 7552(b) & (c).

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The CSHH Program provides grants to eligible sponsors that are engaged in developing, conducting, administering or coordinating programs of assistance that aid eligible households to construct residential units for their own use. The costs incurred by sponsors of self-help developments have greatly increased since the provision to limit the amount awarded to a single project to \$100,000 was adopted in 1986. These proposed regulations offer revisions to increase the per

project limit from \$100,000 to \$300, 000. The most substantive revisions and new provisions are, as follows:

**Section 7552**—Subsection (b) limits the amount of a technical assistance award to a single project to \$100,000. In order to address this problem, HCD proposes to increase the per-project limit from \$100,000 to \$300,000.

The CSHH Program regulations require that applications be reviewed by HCD's Loan and Grant Committee for final funding recommendations. The regulations also permit extensions of grant terms in the event of delays in project implementation beyond a grantee's control, upon recommendation of the Committee. Historically, such extensions have been placed on the Committee's consent calendar and routinely are approved. Given that extensions routinely have been approved, that it takes staff time to prepare an extension recommendation for the Committee, and that the Committee meets, at most, once a month sometimes delaying the granting of an extension, HCD proposes to delete this requirement.

#### **IMPACT OF PROPOSED REGULATIONS**

The CSHH Program provides grants to sponsors to offset the costs of the technical assistance services provided by the sponsor in the development of these self-help subdivisions, rather than having to pass these costs along to the homebuyers.

The Program regulations are designed to provide financing to assist self help construction of housing by low and moderate incomes.

#### **EFFECT ON SMALL BUSINESS**

The proposed regulations do not affect small businesses, because the regulations do not mandate or require small businesses to take any prescribed action, and it has no financial impact on small businesses.

#### **LOCAL MANDATE**

The proposed regulatory activity will not impose a mandate on local agencies or school districts. Participation in the program is voluntary.

#### **FISCAL IMPACT**

This regulatory activity does not impose any cost on any local agency or school district that is required to be reimbursed under Part 7 (commencing with sec. 17500) of Division 4 of the Government Code; neither does the regulatory activity result in any other nondiscretionary cost or savings imposed on local agencies or in any cost or savings to any state agency (other than the Department). Participation is voluntary, not mandatory. The program is funded from the State's General Fund and has no impact on federal funding to the state.

#### **EFFECT ON HOUSING COSTS**

The proposed regulations will increase the project limit to enable sponsors to coordinate homebuyer/builder groups of larger numbers for infill development in urban areas, promoting smart growth by developing homes on vacant lots that are located near public transportation, businesses, and the potential homebuyer's place of employment.

#### **INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY EFFECTING BUSINESSES**

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **ASSESSMENT STATEMENT**

The Department has determined that the regulations will not significantly affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. In any case, participation in the program would be voluntary.

#### **STATEMENT OF POTENTIAL COSTS IMPACT ON PRIVATE PERSONS AND BUSINESS DIRECTLY AFFECTED**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. While private businesses (nonprofits) and individuals are eligible to receive program funds under the program, participation is voluntary.

#### **CONSIDERATION OF ALTERNATIVES**

The Department of Housing and Community Development must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS**

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available

for inspection at the address noted below. Copies can be obtained by contacting Peter Solomon at the address and telephone number noted below.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

Following the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Peter Solomon at the address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF  
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

**CONTACT INFORMATION PERSON**

HCD: Peter Solomon  
(916) 445-3086  
Dee Franklin  
(916) 445-9581

HCD Back-Up: Lenora Frazier  
(916) 323-7288

HCD Address: State Department of Housing and  
Community Development  
1800 Third Street, Room 390  
Sacramento, California 95814

HCD Website: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through our website at [www.hcd.ca.gov](http://www.hcd.ca.gov)

HCD Facsimile No: (916) 323-6016

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Direct inquiries concerning

the substance of the proposed rulemaking action and any requests for the documents noted above should be made to:

Peter Solomon  
Division of Community Affairs—CSHHP  
State Department of Housing and  
Community Development  
P.O. Box 952054, MS 390-2  
Sacramento, California 94252-2054  
Telephone (916) 445-3086  
Fax (916) 323-6016  
[psolomon@hcd.ca.gov](mailto:psolomon@hcd.ca.gov)

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
HEALTH SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST**

**INTENT TO CLARIFY PROSPECTIVE PAYMENT  
REIMBURSEMENT FOR FEDERALLY  
QUALIFIED HEALTH CENTERS AND RURAL  
HEALTH CLINICS FOR SERVICES RENDERED  
TO MEDI-CAL BENEFICIARIES**

This notice is being given to provide information of public interest with respect to the reimbursement methodology for services rendered to Medi-Cal beneficiaries by Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC). It is the intent of the Department of Health Services (DHS) to submit an amendment to California's Medicaid State Plan, to revise the prospective payment reimbursement system (PPS) for FQHCs and RHCs pursuant to Section 702 of the federal Benefits Improvement and Protection Act of 2000 (BIPA 2000).

**PROSPECTIVE PAYMENT REIMBURSEMENT**

DHS intends to submit revised language for the California State Plan regarding billable services covered under the PPS. The amendment to the California State Plan will include language to further define the criteria that can be considered extraordinary circumstances that may qualify for supplemental payments, and will expand the definition of what is to be included as scope-of-service reimbursement rate changes.

Some of the key provisions of the revised State Plan are as follows:

- FQHCs and RHCs that relocate from one location to another will be allowed the option to have their reimbursement rates adjusted as a scope-of-service change or as a new facility.



- A scope-of-service rate change will also include changes in service due to amended regulatory requirements or rules, an increase in service intensity attributable to changes in the types of patients served, a change in provider mix, indirect medical education adjustments and a direct graduate medical education payment that reflects the costs of providing teaching services to interns and residents.
- FQHCs or RHCs that incur additional costs as a result of changes in applicable requirements in the California Health and Safety Code, changes in applicable licensure requirements, and changes in applicable rules or regulations would be permitted to claim such costs under "Extraordinary Circumstances." As a result, such facilities could be eligible for a supplemental lump-sum payment or for an increased reimbursement as a scope-of-service change.

#### **PUBLIC REVIEW**

The proposed amendment to the California State Plan, which details the changes discussed above, is available for review at local county welfare offices throughout the State. Copies of this notice may be requested and written comments may be sent to Timothy Matsumoto, Chief, Rate Analysis Unit, Department of Health Services, 714 P Street, Room 1550, Sacramento, CA 95814.

### **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

#### **CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR AN EMERGENCY RESPONSE INCIDENT OPERATIONS VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR THE CITY OF HUNTINGTON BEACH**

On March 11, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to the City of Huntington Beach, a registered transporter of hazardous waste, to conduct emergency response incident operations authorized under the California Code of Regulations, title 22, section 66263.43. The variance permits the grantee to transport emergency response hazardous waste to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The hazardous waste must then be manifested to an authorized facility.

**CEQA Exemption.** The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This vari-

ance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on March 31, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

### **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

#### **CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR A HAZARDOUS WASTE MANIFESTING VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR THE CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER**

On February 13, 2003, the Department of Toxic Substances Control (DTSC), granted The City of Los Angeles, Department of Water and Power (LADWP), a variance from hazardous waste manifesting requirements under the California Health and Safety Code section 25160, and the California Code of Regulations, title 22, sections 66262.20 and 66262.23. The variance allows the use of a bill of lading in lieu of a manifest to transport and dispose of arsenic and copper contaminated backwash solids that have been classified as a "Special Waste" by the Department of Toxic Substances Control (DTSC), Human and Ecological Risk Division (HERD) to a hazardous waste facility authorized to receive the waste.

In providing quality potable water to the City of Los Angeles, LADWP imports water from the Owens River Valleys, and the water is treated at the LADWP where deep beds filtration units remove floc and impurities in the water. Arsenic is inherent to the surface waters of the Owens River, and copper sulfate is used for algae control in the treatment process. These filters are periodically back washed, or cleaned by reversing the direction of water flow to remove solids contaminated with arsenic and copper. The removal of arsenic and copper is essential in providing safe quality drinking water to the residents of Los Angeles. The backwash water is diverted to settling ponds (eight total) where solids are allowed to concentrate and settle. On an annual basis, the ponds are drained and approximately 20,000 tons of contaminated solids are removed, characterized, and transported to a permitted facility. The annual removal of the contaminated solids takes approximately two to



three weeks to complete, weather permitting. The variance imposes specific conditions to ensure protection of public health and the environment.

A Notice of Exemption (Title 14, CCR, Section 15061(b)(3) [With certainty, no possibility of a significant effect on the environment]) was filed pursuant to the California Environmental Quality Act (CEQA).

The LADWP project site is located at the Los Angeles Aqueduct Filtration Plant, at 13101 Sepulveda Boulevard, Sylmar, California. The variance expires on February 13, 2005. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

## **DEPARTMENT OF HEALTH SERVICES**

### **NOTICE OF GENERAL PUBLIC INTEREST THE DEPARTMENT OF HEALTH SERVICES WILL ADOPT REGULATIONS TO IMPLEMENT CHANGES FOR LOCAL EDUCATIONAL AGENCY MEDI-CAL BILLING OPTION RATES**

This notice is being given to provide information of public interest with respect to the setting of Medi-Cal reimbursement rates for Local Educational Agency (LEA) Medi-Cal Billing Option services. It is the intent of the Department of Health Services (DHS) to adopt regulations, subject to the approval by the State Office of Administrative Law, to implement rate changes for LEA Medi-Cal Billing Option services, effective April 1, 2003.

#### **LEGISLATIVE AUTHORITY**

Senate Bill 231, (Chapter 655, Statutes of 2001), states that if a rate study for the LEA Medi-Cal Billing Option is completed pursuant to Section 52 of Chapter 171 of the Statutes of 2001, the department, shall implement the recommendations from the study, to the extent feasible and appropriate. Currently, the rate study for the LEA Medi-Cal Billing Option is nearing completion. DHS is preparing to implement the rates

#### **ANNUAL REIMBURSEMENTS**

States are required to give public notice of significant proposed changes in methods and standards for setting payment rates, including the fiscal impact. DHS has determined that it is also appropriate to give notice regarding changes in the reimbursement rate. \*Rates for the LEA Medi-Cal Billing Option are expected to increase annually by at least 20 percent.

#### **PUBLIC REVIEW**

The changes discussed above are available for public review at local county welfare offices throughout the State. In addition, copies of this notice may be

requested and comments may be sent by writing to Elizabeth Touhey, Chief, Local and School Services Unit, Department of Health Services, 714 P Street, Room 1640, Sacramento, CA 95814.

Any written statements or arguments regarding the proposed regulations must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1640, P.O. Box 942732, Sacramento, California 94234-7320, not later than 45 days after publication of the "Notice of Emergency Rulemaking". The date for a public hearing, if one is scheduled, will be published in the California Administrative Notice Register after the regulations have been approved by the Office of Administrative Law.

## **PROPOSITION 65**

### **CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

#### **SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)**

#### **NOTICE TO INTERESTED PARTIES March 28, 2003**

#### **NOTICE OF A PUBLIC HEARING FOR COMMENT ON A REQUEST FOR A SAFE USE DETERMINATION FOR CRYSTALLINE SILICA IN INTERIOR LATEX PAINTS**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). OEHHA has received a request from the California Paint Council on behalf of the National Paint and Coatings Association (NPCA) that OEHHA grant a safe use determination for the use of interior latex paints used to cover or decorate the interior of buildings and the potential exposure to airborne particles of crystalline silica of respirable size that may result during the course of painting activities (e.g., painting and sanding). The request is made pursuant to Section 12204 (formerly Section 12104) of Title 22 of the California Code of Regulations (22 CCR). In accordance with the process set forth in Section 12204(f) of 22 CCR, a public hearing will be convened on **Monday, April 28, 2003**, in the Central Valley Auditorium, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California, as an opportunity for com-

ment on this request for a safe use determination. The hearing will begin at 1:30 p.m. and will end when all business is conducted or 5:00 p.m.

Written comments provided in **triplicate**, along with supporting information, may be submitted to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street address: 1001 I Street  
Sacramento, California 95814  
Mailing address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by FAX) by 5:00 p.m., **Monday, April 28, 2003.**

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES  
March 28, 2003

**NOTICE OF REVISED TIME FOR THE PUBLIC  
HEARING FOR PROPOSED AMENDMENTS TO  
TITLE 22, CALIFORNIA CODE OF  
REGULATIONS, SECTION 12805 SPECIFIC  
REGULATORY LEVELS: CHEMICALS CAUSING  
REPRODUCTIVE TOXICITY**

On March 14, 2003, the Office of Environmental Health Hazard Assessment (OEHHA) published a Notice of Proposed Rulemaking in the *California Regulatory Notice Register* (CRNR) (Register 03, No. 11) announcing the proposed amendments to Title 22, California Code of Regulations, Section 12805. A public hearing to receive comment on these amendments is scheduled for Monday, April 28, 2003. The notice announcing the public hearing for the Section 12805 regulatory amendments originally stated that the hearing would begin at 10:00 a.m. and last until all business has been conducted or until 5:00 p.m. However, OEHHA is revising the ending time for the hearing. More specifically, ***oral testimony will be heard until 12:30 p.m. and written statements will be accepted until 5:00 p.m., Monday, April 28, 2003.*** This change in time is made in order to convene another public hearing on a separate issue during the afternoon hours on the same day. A separate public notice is published elsewhere in this issue of the CRNR to announce that OEHHA is convening a public

hearing to receive comment on a safe use determination request submitted to OEHHA concerning the use of interior latex paint containing crystalline silica.

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**AIR RESOURCES BOARD**

Enhanced Vapor Recovery Emergency Regulation

Existing section 94011 of title 17 incorporates by reference the "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities", CP-201. Control of these emissions is necessary to reduce emissions that lead to the formation of ozone and control emissions of benzene, a constituent of gasoline vapor that has been identified as a toxic air contaminant. In this emergency regulatory action, the Air Resources Board amends two operative dates of CP-201 from April 1, 2003 to October 1, 2003.

Title 17  
California Code of Regulations  
AMEND: 94011  
Filed 03/13/03  
Effective 03/13/03  
Agency Contact:  
Diane M. Johnston (916) 322-2884

**BOARD FOR PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS**

Definitions

This rulemaking action defines "negligence" and "incompetence" for purposes of administrative disciplinary matters involving Professional Engineers and Land Surveyors and conforms regulations on scope of practice to statutory provisions.

Title 16  
California Code of Regulations  
AMEND: 404  
Filed 03/13/03  
Effective 04/12/03  
Agency Contact:  
Nancy A. Eissler (916) 263-2241

**BOARD OF BEHAVIORAL SCIENCES**

**Child Abuse Assessment Training Requirements**

This regulatory action expands the pool of educational providers for the required courses in child abuse assessment.

Title 16

California Code of Regulations

AMEND: 1807.2

Filed 03/13/03

Effective 04/12/03

Agency Contact:

Julie McAuliffe (916) 445-4933 x1142

**BOARD OF EQUALIZATION**

**SBE Conflict of Interest Code—General Provisions**

This is a Conflict of Interest Code filing that has been approved and certified by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 18

California Code of Regulations

AMEND: 6001

Filed 03/13/03

Effective 04/12/03

Agency Contact: Diane G. Olson (916) 322-9569

**CALIFORNIA STATE LIBRARY**

**California Reading & Literacy Improvement & Public Library Construction & Renovation Act of 2000**

These proposed nonsubstantive changes concern State Grant Applications for California Library Construction and Renovation Projects. This action makes minor clarifications and corrections and are changes without regulatory effect.

Title 5

California Code of Regulations

AMEND: 20438, 20440

Filed 03/18/03

Effective 03/18/03

Agency Contact: Linda Springer (916) 445-9587

**DEPARTMENT OF CORPORATIONS**

**California Deferred Deposit Transaction Law: Long-Form & Short-Form**

This emergency regulatory action adopts the long and short forms of the application for licensure to conduct deferred deposit transactions.

Title 10

California Code of Regulations

ADOPT: 2020,2021 AMEND: 250.51

Filed 03/13/03

Effective 03/14/03

Agency Contact: Kathy Womack (916) 322-5824

**DEPARTMENT OF CORRECTIONS**

**Contraband-Frontal Nudity**

The regulatory action is the Certificate of Compliance for the emergency regulatory action that added "Sexually explicit images that depict frontal nudity in the form of personal photographs, drawings, magazines or other pictorial format " to the listing of contraband contained in Section 3006 of Title 15 of the California Code of Regulations, defined sexually explicit material and specified when sexually explicit material shall be allowed. (Prior OAL File 02-0909-04EON: Department of Corrections File #02-0071.)

Title 15

California Code of Regulations

AMEND: 3006

Filed 03/18/03

Effective 03/18/03

Agency Contact:

Ann Cunningham (916) 322-9690

**DEPARTMENT OF HEALTH SERVICES**

**Clinical Laboratory Specialist Licensing**

This emergency action would establish the education, training or experience, and examination requirements to license clinical cytogeneticist and genetic molecular biologist scientists to perform high complexity tests or examinations in their specialties in licensed California laboratories. Specifically, among other requirements, this action would require satisfactory performance on a written specialty examination administered by the National Credentialing Agency for Laboratory Personnel (NCA).

Title 17

California Code of Regulations

ADOPT: 1031.2, and 1031.3

Filed 03/13/03

Effective 03/13/03

Agency Contact:

Charles E. Smith (916) 657-0730

**DEPARTMENT OF SOCIAL SERVICES**

**Foster Care Financial Audit Requirements Editorial Change**

The Department of Social Services is removing the language, "Each social worker that meets the definition in Section 11-400s.(5), shall have a base factor of 1.0 for each eligible hour." from Section 11-402.222(a) of the Manual of Policies and Procedures due to the fact that it was not noticed and subsequently removed from File No. 02-1202-07S. The subject of the previous file was "Foster Care Financial Audit Requirements".

Title MPP

California Code of Regulations

AMEND: 11-402

Filed 03/13/03

Effective 03/13/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN NOVEMBER 13, 2002  
TO MARCH 19, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

01/21/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, Appendix A

**Title 2**

02/27/03 ADOPT: 1859.2, AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145

02/25/03 REPEAL: 18707.3

02/24/03 ADOPT: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445

02/24/03 AMEND: 18312

02/19/03 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107

02/18/03 AMEND: 18991

02/18/03 AMEND: 18704.2

02/13/03 AMEND: 1859.77.2

02/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859, 171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1

02/11/03 AMEND: 1897

02/11/03 AMEND: 1555

02/06/03 ADOPT: 1859.74.5, 1859.74.6, 1859.81.2, 14859.81.3, 1859.105.2 AMEND: 1859.2, 1859.74, 1859.76, 1859.77.1, 1859.81.1, 1859.90, 1859.103, 1859.104

02/03/03 AMEND: 649.11

02/03/03 ADOPT: 649.23, 649.24, 649.25

01/30/03 ADOPT: 18530.2

01/16/03 AMEND: 18705.1

01/16/03 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943

01/16/03 AMEND: 18700

01/16/03 ADOPT: 18545

01/16/03 ADOPT: 1859.71.2, 1859.78.4, 1859.108 AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107

01/13/03 ADOPT: 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4, 1866.4.6, 1866.4.7, 1866.5.1, 1866.5.2, 1866.5.4, 1866.5.5, 1866.5.6, 1866.5.7, 1866.5.8, 1866.9.1, 1866.12, 1866.13, 1866.14 AMEND: 1866, 1866.1, 1866.2, 1866.3, 1866.4, 1866.5, 1866.5.3, 1866.7, 1866.8, 186

01/08/03 ADOPT: 18535

12/19/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.218, 1859.219, 1859.220,

12/17/02 ADOPT: 599.723.2

12/10/02 ADOPT: 58700

11/26/02 AMEND: 57.1

11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9

11/14/02 AMEND: 2271

**Title 3**

02/06/03 ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5

02/03/03 AMEND: 3700(c)

01/28/03 AMEND: 3417(b)

01/27/03 AMEND: 3700(C)

01/21/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784

01/06/03 AMEND: 1380.19(l), 1428.17, 1436.37

12/24/02 ADOPT: 1392.12

12/12/02 AMEND: 3417(b)

12/12/02 AMEND: 3423(b)

12/12/02 AMEND: 3417(b)

12/10/02 AMEND: 3700(b)

12/05/02 AMEND: 6550

12/03/02 AMEND: 6622

12/02/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1

12/02/02 AMEND: 3423(b)

**Title 4**

03/06/03 AMEND: 8072, 8074

02/13/03 ADOPT: 10151, 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162



01/27/03 ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310  
 12/12/02 ADOPT: 12100, 12101, 12104, 12105, 12120, 12122, 12124, 12126, 12128, 12130, 12132, 12140, 12142  
 12/05/02 ADOPT: 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12305

**Title 5**

03/18/03 AMEND: 20438, 20440  
 02/24/03 AMEND: 18301  
 01/30/03 AMEND: 80043  
 01/29/03 AMEND: 31000, 31001, 31003, 31004, 31005, 31006, 31007  
 01/27/03 ADOPT: 42397, 42397.1, 42397.2, 42397.3, 42397.4, 42397.5, 42397.6, 42397.7, 42397.8, 42397.9, 42397.10, 42397.11  
 01/16/03 ADOPT: 9531, 9532  
 01/08/03 ADOPT: 11303, 11304, 11305, 11306, 11307, 11308 11316 AMEND: 11303, 11304, 11305 REPEAL: 4304, 4306, 4311, 4312  
 12/23/02 AMEND: 80054.5, 80020.4.1  
 12/10/02 ADOPT: 11983.5  
 12/09/02 AMEND: 80054  
 12/05/02 AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959

**Title 8**

03/03/03 ADOPT: 17000 REPEAL: 17000  
 02/24/03 AMEND: 451, 527  
 01/30/03 AMEND: 336  
 01/29/03 ADOPT: 10133.16, 10133.17, 10133.18, 10133.19, 10133.20 10133.21, 10133.22, 10122.1, 10127.3, 10131.2, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15 AMEND: 10122, 10131, 10133, 10133.2 REPEAL: 10133.1  
 01/28/03 AMEND: 1604.5(c)(3) 1604.6(a)  
 01/21/03 ADOPT: 339.9 AMEND: 339.8.1  
 01/09/03 AMEND: 769  
 01/09/03 AMEND: 9771, 9771.2, 9771.66, 9772, 9779, 9779.1, 9779.3, 9779.4, 9779.45  
 01/09/03 ADOPT: 412.2 AMEND: 403, 404, 405.1, 411, 411.1, 411.2, 418, 420 REPEAL: 407, 407.1, 407.2, 407.3,  
 01/08/03 ADOPT: 46.1  
 01/06/03 AMEND: 1527  
 01/03/03 AMEND: 344.30  
 12/30/02 AMEND: 14300.10, 14300.12, 14300.29  
 12/30/02 ADOPT: 10114.1, 10114.2, 10114.3, 10114.4, 101002, 10103.2, 10106.1, 10107.1, 10111.2, 10113.1, 10113.2,

10113.3, 10113.4, 10113.5, 10113.6  
 AMEND: 10104, 10105, 10106.5, 10108, 10109, 10113, 10114, 10115.1 REPEAL: 10115.3

12/19/02 AMEND: 5221, 5223,  
 12/03/02 AMEND: 4794, 4848, 4850  
 12/02/02 AMEND: 3441(a)  
 11/18/02 ADOPT: 2980, 2981, 2982, 2983

**Title 9**

02/20/03 AMEND: 9100  
 01/02/03 AMEND: 10355  
 12/26/02 ADOPT: 7149.1 AMEND: 7174  
 11/26/02 ADOPT: 9526, 9531 AMEND: 9500, 9505, 9515, 9530, 9535

**Title 10**

03/13/03 ADOPT: 2020, 2021 AMEND: 250.51  
 03/10/03 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.6, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24,  
 03/10/03 ADOPT: 2175, 2175.1, 2175.2, 2175.3, 2175.4, 2175.5, 2175.6, 2175.7, 2175.8, 2175.9, 2175.10, 2176, 2176.1 2176.2, 2176.3, 2176.4, 2177, 2177.1, 2177.2, 2177.3, 2177.4, 2177.5, 2177.6, 2177.7, 2177.8, 2177.9, 2177.10, 2177.11, 2177.12, 2177.13, and 2177  
 03/06/03 AMEND: 2130.3  
 03/04/03 ADOPT: 260.230, 260.230.1, 260.231.2, 260.231.3, 260.236.1, 260.236.2, 260.237.2 AMEND: 260.231, 260.236, 260.237.1, 260.240, 260.241.2, 260.241.3, 260.241.4, 260.242  
 02/27/03 ADOPT: 5.6182, 5.6183, 30.30, 30.31, 30.40, 30.41, 30.50, 30.51, 30.60, 30.61, 30.70, 30.71, 30.72, 30.73, 30.105, 30.402, 30.406, 30.500, 30.802, 30.1000 AMEND: 30.101, 30.102, 30.103, 30.300, 30.301, 30.302, 30.304, 30.306, 30.401, 30.403, 30.404,  
 02/13/03 AMEND: 3200  
 02/11/03 AMEND: 2646.6 REPEAL: 2646.7, 2646.8, 2646.9, 2646.10, 2646.11  
 01/21/03 AMEND: 2690.1, 2690.2  
 01/16/03 AMEND: 2498.6  
 01/13/03 ADOPT: 2498.6  
 01/02/03 AMEND: 2509.40, 2509.41, 2509.42, 2509.45, 2509.77  
 12/31/02 AMEND: 2318.6, 2353.1, and 2354.  
 12/26/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.5  
 12/16/02 ADOPT: 1422, 1423

12/12/02 ADOPT: 2699.6606, 2699.6711,  
2699.6631, 2699.6717 AMEND:  
2699.6500, 2699.6600, 2699.6605,  
2699.6607, 2699.6611, 2699.6613,  
2699.6617, 2699.6623, 2699.6625,  
2699.6629, 2699.6631, 2699.6700,  
2699.6703, 2699.6705, 2699.6709,  
2699.6800, 2699.6801, 2699.680  
12/12/02 AMEND: 2632.8  
12/05/02 AMEND: 2632.13(c)  
11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4,  
2689.5, 2689.6, 2689.7, 2689.8, 2689.9,  
2689.10, 2689.11, 2689.12, 2689.13,  
2689.14, 2689.15, 2689.16, 2689.17,  
2689.18, 2689.19, 2689.20, 2689.21,  
2689.22, 2689.23, 2689.24,  
11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3,  
2542.4, 2542.5, 2542.6, 2542.7, and  
2542.8  
11/18/02 ADOPT: 2187.4  
11/14/02 AMEND: 5002

**Title 11**

02/06/03 AMEND: 1005, 1070, 1082  
02/03/03 AMEND: 1081(a)(31), 1081(a)(32)  
01/17/03 ADOPT: 3100, 3101, 3102, 3103, 3200,  
3201, 3203, 3204 AMEND: 3000, 3001,  
3002, 3003, 3007, 3008  
12/04/02 ADOPT: 977.52 AMEND: 977.20,  
977.43, 977.44, 977.45, 977.50, 977.51  
12/03/02 AMEND: 1001, 1010 REPEAL: 1009  
11/26/02 AMEND: 1005

**Title 13**

03/03/03 ADOPT: 225.00, 225.06, 225.12, 225.15,  
225.21, 225.24, 225.27, 225.30, 225.33,  
225.39, 225.48, 225.57, 225.60, 225.66,  
and 225.69 AMEND: 225.03, 225.09,  
225.18, 225.36, 225.42, 225.45, 225.51,  
225.54, 225.63, and 225.72  
02/21/03 AMEND: 110.04  
02/18/03 REPEAL: 260.01, 262.00, 262.05  
02/06/03 AMEND: 55.17  
02/04/03 ADOPT: 551.14, 551.15, 551.16, 551.17  
AMEND: 553.40, 595  
01/03/03 ADOPT: 2606 AMEND: 2601, 2602,  
2603, 2604, 2605, 2606, 2607, 2608,  
2609, 2610  
12/24/02 AMEND: 2261, 2262, 2262.4, 2262.5,  
2262.6, 2262.9, 2265, 2266.5, 2269,  
2271, 2272, 2296  
11/25/02 AMEND: 810, 811, 812, 813, 814, 815,  
816, 817, 818

**Title 14**

03/10/03 ADOPT: 150.05 AMEND: 150, 150.03  
03/10/03 ADOPT: 632 AMEND: 630  
03/06/03 AMEND: 18464, 18465

03/05/03 ADOPT: 18360, 18361, 18362, 18363,  
18364, 18365, 18366, 18367, and 18368  
03/04/03 ADOPT: 15251  
03/04/03 ADOPT: 749.2  
03/04/03 AMEND: 180.2  
02/27/03 ADOPT: 105.5 AMEND: 195  
02/11/03  
02/03/03 AMEND: 120.3  
01/28/03 ADOPT: 6593, 6593.1, 6593.2, 6593.3,  
6593.4, 6593.5, 6593.6, 6593.7, 6593.8,  
6593.9, 6593.10, 6593.11  
01/21/03 ADOPT: 14120 AMEND: 14101, 14102,  
14111, 14112, 14113, 14115, 14116  
01/17/03 AMEND: 180.15  
01/09/03 ADOPT: 52.00, 52.01, 52.02, 52.03,  
52.04, 52.05, 52.09 AMEND: 150.16,  
150.17  
01/07/03 AMEND: 630  
01/03/03 ADOPT: 1.91 AMEND: 1.90, 27.60,  
27.82, 28.27, 28.28, 28.29, 28.54, 28.55,  
28.58  
12/31/02 AMEND: 150.06(a)  
12/30/02 AMEND: 150.16  
12/30/02 AMEND: 670.2  
12/30/02 AMEND: 150.06, 150.16  
12/26/02 AMEND: 670.2  
12/19/02 AMEND: 11900  
12/19/02 AMEND: 11900 and 11901  
12/18/02 ADOPT: 3704.1  
12/05/02 AMEND: 18419  
12/03/02 AMEND: 2200, 2320, 2500  
11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1],  
929.2, [949.2, 969.2], 929.3, [949.3,  
969.3], 929.4, [949.4, 969.4] REPEAL:  
929.5, [949.5, 969.5], 1037.5(a), 1052  
11/25/02 AMEND: 912.7, 932.7, 952.7  
11/21/02 AMEND: 1038(f)  
11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19,  
870.21 and incorporated by reference  
form FG-OSPR-1972  
11/18/02 AMEND: 932.9, 952.9  
11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530  
and 2690 renumbered to 2850  
11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2,  
932.7, 933.1, 933.2, 952.7, 953.1, 953.2

**Title 15**

03/18/03 AMEND: 3006  
03/06/03 ADOPT: 3375.5 AMEND: 3000, 3375,  
3375.1, 3375.2, 3375.3, 3375.4, 3377  
02/18/03 ADOPT: 3054.2(e)(2)(H), 3170, 3170.1,  
3171, 3172, 3172.1, 3172.2, 3173,  
3173.1, 3173.2, 3174, 3175, 3176,  
3176.1, 3176.2, 3176.3, 3176.4, 3177,

3178, 3179 AMEND: 3045.2(e)(2)(F)  
 REPEAL: 3170, 3170.5, 3171, 3172,  
 3173, 3174, 3175, 3176, 3177, 3178,  
 3179

01/21/03 AMEND: 3075.2

12/10/02 ADOPT: 3371.1

**Title 16**

03/13/03 AMEND: 404

03/13/03 AMEND: 1807.2

03/06/03 AMEND: 1393

03/03/03 AMEND: 3340.1

03/03/03 AMEND: 1397.12

02/18/03 AMEND: 87, 89.1

02/13/03 AMEND: 1399.508

02/11/03 AMEND: 1388, 1392

02/11/03 AMEND: 1720.1

02/10/03 AMEND: 1717, 1745

02/06/03 AMEND: 1082.1

01/29/03 AMEND: 2542, 2542.1, 2547, and 2547.1

01/23/03 ADOPT: 1399.153.10 AMEND:  
 1399.153, 1399.153.1, 1399.153.2,  
 1399.153.3, 1399.153.4, 1399.153.5,  
 1399.153.6, 1399.153.7 1399.153.8,  
 1399.153.9,

01/21/03 ADOPT: 1356.6

01/21/03 AMEND: 3340.42 REPEAL: 3340.42.1

01/15/03 ADOPT: 118.5 AMEND: 109, 116, 117,  
 121

01/07/03 AMEND: 1399.660, 1399.664

01/06/03 AMEND: 1399.85

12/31/02 ADOPT: 811

12/24/02 AMEND: 1399.25, 1399.26, 1399.27,  
 1399.28, 1399.29

12/24/02 REPEAL: 1382.1

12/23/02 AMEND: 1399.10, 1399.12

12/23/02 ADOPT: 1398.52 AMEND: 1398.37

12/23/02 REPEAL: 1387, 1387.3, and 1387.5

12/19/02 AMEND: 1398.3, 1398.20, 1398.21.1,  
 1398.28, 1398.42, 1398.47, 1399.12,  
 1399.20, 1399.21, 1399.22, 1399.52

12/16/02 ADOPT: 1435.15 AMEND: 1435,  
 1435.2, 1435.3, 1435.5, 1435.6

12/16/02 ADOPT: 1937.17 AMEND: 1996, 1996.2

12/12/02 AMEND: 2310(a)(b)

12/09/02 ADOPT: 2414 AMEND: 2411, 2418

12/03/02 AMEND: 1690, 1691 REPEAL: 1680,  
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03/13/03 AMEND: 94011

03/13/03 ADOPT: 1031.2, and 1031.3

02/27/03 AMEND: 6020, 6025, 6035, 6050, 6051,  
 6065, 6070, 6075

02/27/03 AMEND: 60201

02/25/03 ADOPT: 6903 (b)

02/10/03 ADOPT: 30315.10, 30315.20, 30315.22,  
 30315.23, 30315.24, 30315.33, 30315.34,  
 30315.35, 30315.36, 30315.50, 30315.51,  
 30315.52, 30315.60, 30316, 30316.10,  
 30316.20, 30316.22, 30316.30, 30316.40,  
 30316.50, 30316.60, 30316.61, 30317,  
 30317.10, 30317.20, 303

02/03/03 ADOPT: 93113

01/14/03 AMEND: 52000, 52082, 52084, 52109,  
 52170, 52171, 52173, 52175

01/14/03 AMEND: 50413, 50425, 50753, 50766,  
 50810, 54355, 57210, 57433, 58033

01/09/03 ADOPT: 1029.31, 1029.32, 1029.33,  
 1029.34, 1029.108, 1029.116, 1029, 124,  
 1029.132, 1029.133, 1029.154, 1029.195,  
 1031.7, 1034, and 1035.1 AMEND:  
 1031.4, 1031.5 REPEAL: 1034, 1034.1

12/19/02 AMEND: 57332

12/05/02 AMEND: 58420

12/02/02 AMEND: 6508

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03/13/03 AMEND: 6001

02/04/03 AMEND: 122.5

02/04/03 ADOPT: 2570 AMEND: 2500, 2538,  
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02/04/03 AMEND: 1616

01/23/03 ADOPT: 17053.36, 10753.37, 23636,  
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01/23/03 ADOPT: 1807

01/21/03 AMEND: 25137-2

01/15/03 AMEND: 904

01/14/03 AMEND: 21(e)(1)(A)

01/09/03 AMEND: 23334

12/10/02 AMEND: 17951-1, 17952, 180001-1 RE-  
 PEAL: 17554

12/10/02 AMEND: 1703

12/10/02 ADOPT: 1535

12/10/02 AMEND: 1502

12/03/02 AMEND: 1525.2

12/02/02 REPEAL: 24348(b)

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02/25/03 AMEND: 1.05, 1.07, 3.08, 3.23, 3.25,  
 3.26, 3.29, 3.32

02/04/03 ADOPT: 2575, 2575.1, 2575.2, 2576,  
 2576.1, 2577, 2577.1, 2577.2, 2577.3,  
 2577.4, 2577.5, 2577.6, 2577.7, 2577.8,  
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12/19/02 AMEND: 2900, 2910, 2915, 2925, 2930,  
 2940, 2945, 2955 2965, 2970, 2980, 2990

11/21/02 AMEND: 557.9, 560, 567, 574.6, 575.3,  
 575.4(a), 578.10, 594.3, 594.5, 595.5,  
 596, 596.1, 596.2, 596.3

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02/03/03 ADOPT: 3570

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02/27/03 ADOPT: 51008.1 AMEND: 51104, 51515, 51520, 51521  
 02/25/03 AMEND: 12705, 12805  
 02/20/03 AMEND: 100177  
 02/19/03 AMEND: 12306  
 02/13/03 ADOPT: 66260.10, 66260.22, 66261.50, 66273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.7, 66273.7.8, 66273.7.9, 66273.10, 66273.21, 66273.41 AMEND: 66261.1, 66261.3, 66261.6, 66261.9, 66261.101, 66262.11, 66264.1, 66265.1, 66268.1, 66270.1  
 02/10/03 ADOPT: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107  
 02/03/03 ADOPT: 66260.22, 66260.23, 66273.3, 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66261.9, 66264.1, 66265.1, 66268.1, 66270.1, 66273.1, 66273.4, 66273.8, 66273.9, 66273.13,  
 02/03/03 ADOPT: 1111560  
 02/03/03 ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, 51451  
 01/27/03 AMEND: 51510, 515110.1, 51510.2, 51510.3, 515111, 51511.5, 515111.6, 51532.3, 51535, 51535.1, 51544, 54501  
 01/24/03 AMEND: 84001, 84022, 84061, 84063, 84065, 84800, 84801, 84802, 84802.1, 84803, 84804, 84805, 84806, 84807, 84808  
 01/21/03 AMEND: 51516.1  
 01/13/03 ADOPT: 100040, 100041, 100031, 100039, 100042, 100043, AMEND: 100031, 100032, 100033, 10034, 100035, 100036, 100038, 100040, 100041 REPEAL: 100037, 100039, 100043  
 01/07/03 ADOPT: 12203, 12204 AMEND: 12102, 12302, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12601, 12701, 12709, 12711, 12721, 12808, 12803, 12805, 12821, 12901, 12902, 12903, 14000 REPEAL: 12103, 12104, 12201, 12301  
 12/24/02 AMEND: 51503, 51503.2, 51504, 51505.2, 51505.3, 51507, 51507.1, 51507.2, 51507.3, 51509, 51509.1, 51514, 51517, 51521, 51527, 51529, 51535.5  
 12/23/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12

12/23/02 ADOPT: 64860  
 12/09/02 ADOPT: 111550  
 12/03/02 ADOPT: 119184 REPEAL: Manual of Policies and Procedures Section 12-225.3  
 12/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP Sections 12-000, 12-003, and Appendix I  
 12/02/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30  
 11/25/02 ADOPT: 119015, 119019, 119045, 119069, 119076, 119191, and Forms CSS 4476 (09/02), CSS 4477 (09/02), CSS 4478 (09/02), CSS 4479 (09/02), CSS 4480 (09/02), and CSS 4481 (09/02)  
 11/25/02 ADOPT: 66273.6, 66273.80, 66273.81, 99273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9  
 11/18/02 ADOPT: 4407.1  
 11/18/02 AMEND: 69103

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12/03/02 AMEND: 101218.1, 102419, 102421

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03/11/03 ADOPT: 3717  
 02/25/03 AMEND: 20164, 21110, 21570, 21640, 21685, 21780, 21860, 21865, 21870, 21880  
 02/25/03 AMEND: 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.6.1, 499.6.2, 499.7, and 499.8  
 01/13/03 ADOPT: 3963  
 12/19/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3, 3410.4, 3410.5  
 12/17/02 ADOPT: 3913  
 12/09/02 AMEND: 3933  
 12/05/02 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517

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02/18/03 ADOPT: 1300.74.30  
 12/17/02 ADOPT: 1300.67.60  
 12/16/02 ADOPT: 1300.89  
 11/21/02 AMEND: 1000, 1300.43.3, 1300.43.6, 1300.43.10, 1300.43.13, 1300.43.14, 1300.43.15, 1300.45, 1300.47, 1300.51, 1300.51.1, 1300.51.2, 1300.52.1, 1300.61.3, 1300.65.1, 1300.89, 1300.99

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03/13/03 AMEND: 11-402  
 03/10/03 AMEND: 63-403.1, 63-405.134, 63-409.122, and 63-502.31  
 02/27/03 AMEND: 46-430.1, 46-430.2, 46-430.3, 46-430.4, 46-430.5 REPEAL: 46-430.42



02/18/03 AMEND: 31-001, 31-002, 31-075, 31-401, 31-410, 31-420, 31-440, 31-445  
 02/13/03 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501, 16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, and 16-801 AMEND: 20-300, 44-3  
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01/23/03 AMEND: 49-020  
 01/14/03 ADOPT: 16-705  
 01/14/03 ADOPT: 11-404, 11-406 AMEND: 11-400, 11-402, 11-403, 11-405  
 12/24/02 AMEND: 84001, 84022, 84061, 84063, 84065, 84800, 84801, 84802, 84802.1, 84808, 84805, 84803, 84804, 84806, 84807.  
 12/19/02 AMEND: 45-101, 45-201, 45-202, 45-203, 45-302, 45-304, 80-310

